



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: GWEN, Patrick

SERIAL NO.: 10/647,128

ART UNIT: 1722

FILED: August 25, 2003

EXAMINER: Doe, G.S.C.

TITLE: CASE FOR RETAINING DENTAL CLEANING TOOLS THEREIN

AMENDMENT "A"

Director of the U.S. Patent
and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action of October 3, 2005, a response being due with a two-month extension of time by March 3, 2006, please enter the present amendments and consider the following remarks:

REMARKS

Upon entry of the present amendments, previous Claims 1 - 20 have been canceled and new Claims 21 - 38 substituted therefor. Reconsideration of the rejections, in light of the forgoing amendments and present remarks, is respectfully requested. The present amendments have been entered for the purpose of more clearly distinguishing the present invention from the prior art and also for the purpose of placing the application into a proper condition for allowance.

In the Office Action, it was indicated that Claims 1 - 7 and 10 were rejected under 35 U.S.C. § 102(b) as anticipated Allen patent. Claims 1, 7 and 8 were rejected under 35 U.S.C. § 102(b) as anticipated by the Seber patent. Claims 1, 11, 13 and 16 were rejected under 35 U.S.C. § 102(b) as

anticipated by the Brown patent. Claim 9 was rejected under 35 U.S.C. § 103(a) as being obvious over the Brown patent in view of the Seber patent. Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Brown patent in view of the Millner patent. Claim 15 was rejected 35 U.S.C. § 103(a) as being unpatentable over the Brown patent in view of the Elias patent. The Examiner also has a minor formality objection with respect to the language of Claim 18. The disclosure was objected to because of certain informalities. Applicant notes that Claims 14 and 17 - 20 have not been rejected based upon prior art.

As an overview to the present reply, Applicant has amended original independent Claim 1 in the form of new independent Claim 21. New independent Claim 21 incorporates the limitations of previous independent Claim 1, along with the limitations of dependent Claims 7 and 8. In particular, new independent Claim 21 indicates that each to the first and second cleaning tools have "a lever member" extending outwardly of "an end" of the case when they are in the first position. The lever member of one of the cleaning tools is "angularly offset" from the lever member of the other cleaning tool. Applicant respectfully contends that this feature is neither shown nor suggested in the prior art. This arrangement was described as being particularly beneficial, as was stated in paragraph [0028] of the original specification as follows:

FIGURE 2 shows each of the cleaning tools 14, 16 and 18 as retained within the interior volume 26 of case 12. Importantly, it can be seen that the first cleaning tool 14 has lever member 38 extending outwardly of the end of case 12. One of the other cleaning tools 16 and 18 also has a lever member 48 extending outwardly of the end 46 of case 12. Lever member 38 is angularly offset relative to axle 24 from lever member 48. As such, the orientation of the lever members 38 and 48 allows the user to easily pick and choose between the cleaning tools that are desired. In FIGURE 2, it can be seen that all of the cleaning tools 14, 16 and 18 are proper stowed within the interior volume 24. The closure member 20 entirely covers the interior

volume 26 of case 12 so as to stow the cleaning tools 14, 16 and 18 hygienically. Importantly, it can be seen that the end surface 28 of the closure member 20 is received within a notch 50 formed on the surface of the first cleaning tool 14. Notch 50 is also found about the axle portions of each of the other cleaning tools 16 and 18. As such, these notches 50 will form a seat for retaining the closure member 20 in its closed portion covering the interior volume 26.

Relative to this rejection, Applicant notes that Claims 1, 7 and 8 were rejected as being anticipated by either the Allen patent or the Seber patent. Applicant's attorney has extensively reviewed the Allen patent and can find no such "lever members" which extend outwardly from the end of the case. The Examiner has said that there are "indented finger holds on tool 50 in Figures 1 and 2". However, these do not appear to extend outwardly beyond an end of the case. Importantly, these "finger holds" do not appear to be angularly offset from one another at this end of the case. As such, there is nothing in the Allen patent to suggest the benefit of being able to more easily manipulate the tools and to select between the various tools within the case. These finger holds appear to possibly extend outwardly of a side of the case, but there are, in no way, "angularly offset" from one another beyond the "end" of the case. On this basis, Applicant respectfully contends that independent Claim 21 is not anticipated by the Allen patent.

The Seber patent also fails to anticipate independent Claim 21. The Examiner has noted that the lever members extend outwardly of the case. The lever members are identified with reference numerals 100a, 100b and 100c. Applicant's attorney notes that these do not extend outwardly beyond an "end" of the case. They appear to be located within a side of the case. These lever members are, in no way, "angularly offset" from each other at the end of the case. On this basis, Applicant respectfully contends that independent Claim 21 is not anticipated by the Seber patent.

Dependent Claims 22 - 26 correspond, respectively, to the language found in original

dependent Claims 2 - 6. New dependent Claims 27 - 31 correspond, respectively, to the limitations found in original dependent Claims 9 - 13.

Since there are no prior art rejections with respect to independent Claim 14, Applicant has repeated independent Claim 14 herein in the form of new independent Claim 32. Applicant respectfully contends that none of the prior art references show the "tongue scraper" nor the "first toothpick" as pivotally mounted within the case so as to be movable between a first position with the case and a second position extending outwardly of the case. Dependent Claims 33 - 35 correspond to the limitations found in original Claims 15 - 17, respectively.

New independent Claim 36 reflects the limitations found in original independent Claim 18. Applicant has adopted the suggestions of the Examiner with respect to language pertaining to the "second cleaning tool". Since there are no prior art rejections to Claim 18, new independent Claim 36 should also be in a proper condition for allowance. Dependent Claims 37 and 38 correspond, respectively, to the language found in original dependent Claims 19 and 20.

Applicant has revised the specification so as to correct for those grammatical and typographical errors that were found in the originally submitted specification.

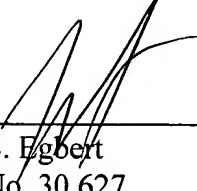
Based upon the foregoing analysis, Applicant contends that independent Claims 21, 32 and 36 are now in proper condition for allowance. Additionally, those claims which are dependent upon these independent claims should also be in condition for allowance. Reconsideration of the

rejections and allowance of the claims at an early date is earnestly solicited. Since no new claims have been added above those originally paid for, no additional fee is required.

Respectfully submitted,

Date

2-14-06



John S. Egbert
Reg. No. 30,627
Andrew W. Chu
Reg. No. 46,625
Attorney for Applicant
Egbert Law Offices
412 Main Street, 7th Floor
Houston, Texas 77002
(713)224-8080
(713)223-4873 fax